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EXAMINER

UNDERDAHL, THANE E

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Reasons Why 1.132 Declaration Was Insufficient to Overcome Art of Record

The Applicant did not provide good and sufficient reasons as required under 37 CFR 1.116(e), why this declaration was not previously presented to the Examiner considering that Brown et al. has been of record for nearly 3 years.

The 1.132 Declaration was insufficient to overcome the reference of Brown et al. (U.S. Patent # 5288619) which has been in the record since 3/4/2008. It refer(s) only to the system described in the above referenced application and not to the individual claims of the application. Thus, there is no showing that the objective evidence of nonobviousness is commensurate in scope with the claims. See MPEP § 716.

Furthermore, the Declaration does not convince the Examiner that the unexpected results shown for the lipase of *Candida antartica B* or *Burkholderia plantarii* for one specific substrate are obtainable for all the substrates the scope of independent claim 23. The Declaration shows that lipase of Brown et al. cannot convert ethyl acrylate, t-butanol and glycerol to its corresponding acrylated polyol (Declaration, paragraph 8). The Examiner concludes that this is unexpected, but no where the claims are directed to substrates not limited to these specific molecules. Furthermore Brown et al. provides strong evidence against a showing that this unexpected result encompasses all the substrates listed in claims 23 or 48 by expressly stating that ethyl and allyl acrylates (col 18, lines 30-35) as well as fatty acid acrylates and methyl acrylate (col 18, bottom) are suitable substrates for their reaction. Also the Examiner would like

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to point out that Brown et al. lists a multitude of lipases for their reaction from *Mucor* or *Rhizopus* (col 13, lines 30-35), which likely convert allyl acrylates and polyols to esters given the teachings of Brown et al. (col 18, lines 30-50).